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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,113	10/04/2004	Yoshiaki Shibata	450100-04500	5049

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745 Fifth Avenue
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EXAMINER

HENN, TIMOTHY J

ART UNIT	PAPER NUMBER
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2622

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/510,113	Applicant(s) SHIBATA ET AL.	
	Examiner Timothy J. Henn	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see response, filed 15 December 2009, with respect to the rejection(s) of claim(s) 1-12 have been fully considered and are persuasive.

Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Foster et al. (GB 2361097 A).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukai et al. (US 2001/0031131) in view of Foster et al. (GB 2361097 A).

Claim 1: Fukai discloses a video content editing support system and method comprising:

(a) a recorder to describe electronic mark data related to the video content data in the video content data (Paragraphs 0005-0009; auxiliary data);

(b) an electronic mark list generator to generate electronic mark list data including header information on the video content data (Paragraph 0005 and 0044); and

(c) an editing unit to edit the video content data on the basis of the electronic mark list data (Paragraph 0006; Figure 4) and

(d) electronic mark data which describes features of the video content data (Paragraphs 0039-0041).

However, Fukai does not disclose electronic mark data including attribute mark data and electronic mark text data as claimed.

Foster discloses a system for generating metadata in which a UMID (or attribute mark data which identifies video scenes) is generated for each scene with includes a GPS location (Figure 15; p. 15, l. 16 - p. 16, l. 19; p. 37, l. 27 - p. 38, l. 7; note that Foster discloses that extended UMIDs may be used). This UMID is associated with other data (or electronic mark text data) which describes features of the video content data through metadata tables which contain metadata describing the captured video data including user input data (e.g. Shot Title, Programme Title, Director, Videographer, Shot Notes, etc. would include text data entered by a user in some manner; p. 33, l. 22 - c. 34, l. 23; note that the tables contain links to the UMID). Therefore, it would be obvious to generate metadata tables and UMIDs as taught by Foster in the system of Fukai so that the video content data may be more thoroughly described to allow easier categorization, searching and editing. Note that both the UMID and related data include GPS coordinates or are "generated on the basis of position information from a Global Positioning System associated with the imaging device" as claimed.

The examiner notes that by including metadata as described, "a mode associated with the electronic mark text data relating to an imaging location of the video

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content data [is] selected". Specifically, note that the claim as written does not define how the mode is selected, or any other possible modes of operation which the system must perform. Furthermore, it is noted that the claims as written do not explicitly define how the attribute mark data and electronic mark text data are linked and stored.

Claim 2: Fukai further discloses that the recorder describes the video content data and electronic mark data on a nearly real-time basis (Paragraph 0030).

Claim 3: Fukai further discloses that the header information on the video content data is header information on video scenes included in the video content data (Figures 12A and 12B).

Claim 4: Foster further discloses that the electronic mark data includes attribute mark data being attribute information on at least the video content data and electronic mark text data in which a feature of the video content data is described (p. 33, l. 22 - c. 34, l. 23).

Claim 5: Foster further discloses that the attribute mark data includes scene identifiers of video scenes in at least content video data (p. 33, l. 22 - c. 34, l. 23).

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Claim 6: Foster further discloses that the electronic mark text data has described therein a feature, location of imaging or date of imaging of each video scene included in at least the video content data with text data (p. 33, l. 22 - c. 34, l. 23).

Claim 7: Fukai further discloses that the editing unit generates editing information data on the basis of the electronic mark list data and video content data (Paragraphs 0050-0052).

Claim 8: Fukai and Foster disclose a system as in Claim 1, but do not explicitly disclose that the electronic mark data is based on an input voice. Official Notice is taken that the use of speech to text voice transcription systems for inputting data are well known in the art. Therefore, it would be obvious to generate electronic mark data using speech to text voice transcription so that the information could be easily entered without the need for a physical input system such as a keyboard.

Claim 9: Fukai discloses an imaging device comprising:

(a) a recorder to describe electronic mark data related to the video content data in the video content data (Paragraphs 0005-0009; auxiliary data); and

(b) a communication unit to couple an editor's terminal unit to a recorder, the editor's terminal displays video content data (Figure 1A-1C, Figure 4) and

(c) electronic mark data which describes features of the video content data (Paragraphs 0039-0041).

However, Fukai does not disclose electronic mark data including attribute mark data and electronic mark text data as claimed.

Foster discloses a system for generating metadata in which a UMID (or attribute mark data which identifies video scenes) is generated for each scene with includes a GPS location (Figure 15; p. 15, l. 16 - p. 16, l. 19; p. 37, l. 27 - p. 38, l. 7; note that Foster discloses that extended UMIDs may be used). This UMID is associated with other data (or electronic mark text data) which describes features of the video content data through metadata tables which contain metadata describing the captured video data including user input data (e.g. Shot Title, Programme Title, Director, Videographer, Shot Notes, etc. would include text data entered by a user in some manner; p. 33, l. 22 - c. 34, l. 23; note that the tables contain links to the UMID). Therefore, it would be obvious to generate metadata tables and UMIDs as taught by Foster in the system of Fukai so that the video content data may be more thoroughly described to allow easier categorization, searching and editing. Note that both the UMID and related data include GPS coordinates or are "generated on the basis of position information from a Global Positioning System associated with the imaging device" as claimed.

The examiner notes that by including metadata as described, "a mode associated with the electronic mark text data relating to an imaging location of the video content data [is] selected". Specifically, note that the claim as written does not define how the mode is selected, or any other possible modes of operation which the system must perform. Furthermore, it is noted that the claims as written do not explicitly define how the attribute mark data and electronic mark text data are linked and stored.

Claim 10: Fukai discloses an editor's terminal unit comprising:

(a) an editing unit to edit the video content data on the basis of electronic mark data related to the video content data (Paragraph 0006; Figure 4); and

(b) a communication unit to couple the editor's terminal to an imaging device comprising a recorder to record captured video content data to a recording medium and wherein the imaging device displays the video content data (Figure 1A-1C).

(c) electronic mark data which describes features of the video content data (Paragraphs 0039-0041).

However, Fukai does not disclose electronic mark data including attribute mark data and electronic mark text data as claimed.

Foster discloses a system for generating metadata in which a UMID (or attribute mark data which identifies video scenes) is generated for each scene with includes a GPS location (Figure 15; p. 15, l. 16 - p. 16, l. 19; p. 37, l. 27 - p. 38, l. 7; note that Foster discloses that extended UMIDs may be used). This UMID is associated with other data (or electronic mark text data) which describes features of the video content data through metadata tables which contain metadata describing the captured video data including user input data (e.g. Shot Title, Programme Title, Director, Videographer, Shot Notes, etc. would include text data entered by a user in some manner; p. 33, l. 22 - c. 34, l. 23; note that the tables contain links to the UMID). Therefore, it would be obvious to generate metadata tables and UMIDs as taught by Foster in the system of Fukai so that the video content data may be more thoroughly described to allow easier

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categorization, searching and editing. Note that both the UMID and related data include GPS coordinates or are "generated on the basis of position information from a Global Positioning System associated with the imaging device" as claimed.

The examiner notes that by including metadata as described, "a mode associated with the electronic mark text data relating to an imaging location of the video content data [is] selected". Specifically, note that the claim as written does not define how the mode is selected, or any other possible modes of operation which the system must perform. Furthermore, it is noted that the claims as written do not explicitly define how the attribute mark data and electronic mark text data are linked and stored.

Claim 11: Claim 11 is a method claim corresponding to apparatus claim 1. Therefore, claim 11 is analyzed and rejected as previously discussed with respect to claim 1.

Claim 12: Foster further discloses storing metadata including a recording a recording medium identifier for identification of a recording medium storing the video content data and a scene identifier that distinguishes between video scenes included in the content data (p. 20, ll. 7-28; p. 21, Table).

Claim 13: Foster further discloses attribute mark data which includes a video scene identifier that distinguishes between video scenes included in the video content data (p. 33, l. 22 - c. 34, l. 23).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Henn whose telephone number is (571) 272-7310. The examiner can normally be reached on M-F 11-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Timothy J Henn/
Primary Examiner, Art Unit 2622